

Application Serial No.:	10/807,883
Application Filed:	March 24, 2004
Response dated:	January 11, 2007
Response to Office Action Mailed:	October 11, 2006

### **REMARKS**

This application contains claims 15-23. Claims 1-14 have been previously canceled. Claims 15-23 have been rejected. Therefore, Claims 15-23 are pending in the Application. Reconsideration of the application based arguments submitted below is respectfully requested.

#### **Claim Rejections under 35 U.S.C. §§ 102-103**

Claims 15-23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Morrow et al (2002017338) or alternately under 35 U.S.C. §103(a) as obvious over Morrow et al.

Applicant would like to respectfully point out that applicable standards and authority can be found in previous responses.

#### **Claims 15-21**

Applicant would like to respectfully offer Claim 15 includes features not present in Morrow et al. Morrow et al does not show the inner edge of each sidewall being convex toward the opposing sidewall from the upper portion to the middle portion and from the lower portion to the middle portion.

Morrow et al specifically does not show the inner surfaces 39 and 41 being convex from the lower portion to the middle portion inwardly toward the opposing sidewall. Morrow et al shows a recessed channel 38 that is concave, not convex.

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Morrow et al specifically teaches away from the invention as claimed because in Morrow et al this channel forms the ridge 70 and is specifically used to form “a seat for the ball when it is in the netting”. Column 4 lines 10-25. Additionally, the reference cited in the office action (Paragraph 27), when read in its entirety, does not support a change the shape of the recessed channel:

Additionally, the inner surface 39, 41 of each sidewall 16, 18 located immediately above the recessed channel 38 is also disposed inwardly with respect to each corresponding upper rim 34. Each inner surface 39, 41 is preferably **configured** to extend in a generally continuous fashion from the top surface 42 of the recessed channel 38 to the upper rim 34. In the preferred embodiment, this **configuration** is generally curved or arcuate. However, it will be understood that the inner surface 39, 41 of each sidewall may alternatively be sloped, inclined, convex, stepped, or any combination of the above. Moreover, different portions of a single sidewall can take on a variety of different shapes.

(Emphasis added) (Paragraph 27, last 5 sentences)

The published application specifically defines the inner surfaces 39, 41 as being located from the “the top surface 42 of the recessed channel 38 to the upper rim 34”. It is the inner surfaces 39, 41 that can have various shapes, not the recessed channel on the sidewalls 16 and 18.

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Claims 16-21 are dependent back to patentability distinct Claim 15 and include features not disclosed in Morrow. As such, Claims 16-21 are patentable.

#### Claim 22

In regard to Claim 22, has been amended to clarify the direction of the concave shape and includes features not present in the prior art. Namely, Claim 22 includes, among other features, side walls having an inner edge that is convex toward the opposing sidewall from the upper portion to the middle portion and from the lower portion to the middle portion. As previously discussed, the prior art does not show, and teaches away from, the inner surfaces being convex toward the opposing sidewall from the upper portion to the middle portion and from the lower portion to the middle portion.

#### Claim 23

In regard to Claim 23, Claim 23 teaches that the opposing lower portions of the inner edge curve outwardly from the opposing middle portions of the inner edge. As previously discussed, the prior art does not show the lower portions inner surfaces being convex outwardly from the opposing middle portions of the inner edge.

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Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Amendment and Response to Deposit Account 23-0035.

Respectfully submitted,

/Phillip E. Walker, 52,336/  
Phillip E. Walker  
Registration No. 52,336  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456

ATTORNEY FOR APPLICANT

Phillip E. Walker  
Waddey & Patterson  
1600 Division Street, Suite 500  
Roundabout Plaza  
Nashville, TN 37203  
(615) 242-2400

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CERTIFICATE OF TRANSMISSION

I hereby certify that this Response and Amendment for Application No. 10/807,883 and filed March 24, 2004 is being transmitted electronically to:

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Art Unit 3711  
Examiner Michael S. Chambers  
on January 11, 2007.

/Phillip E. Walker, 52,336/  
Phillip E. Walker  
Registration No. 52,336  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456  
ATTORNEY FOR APPLICANT